In the Supreme Court of the United States

OCTOBER TERM, 1974

No. 74-405

CLIFFORD E. WARREN, PETITIONER

v.

UNITED STATES OF AMERICA

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF CLAIMS

MEMORANDUM FOR THE UNITED STATES IN OPPOSITION

The petition for a writ of certiorari was not timely filed. The judgment of the Court of Claims in this civil suit was entered on July 10, 1974 (Pet. App.). The 90-day period provided by 28 U.S.C. 2101(c) for petitioning in civil cases expired on October 8, 1974. The time for filing a petition for a writ of certiorari was not extended, and the petition was not filed until October 9, 1974.

The time limit specified by 28 U.S.C. 2101(c) is jurisdictional, *Toledo Co.* v. *Computing Co.*, 261 U.S. 399, 418; accordingly, the petition for a writ of certiorari should be denied.

ROBERT H. BORK,
Solicitor General.

DECEMBER 1974.

DOJ-1974-11